

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

U.S. DISTRICT COURT  
DISTRICT OF MAINE  
BANGOR  
RECEIVED & FILED

Wilmington Savings Fund Society, FSB,  
d/b/a Christiana Trust, not individually but  
as trustee for Pretium Mortgage Acquisition  
Trust

Plaintiff

vs.

Elson C. Guerra and Penny J. Guerra

Defendants

CIVIL ACTION NO: 1:21-cv-00109-JAW

2021 SEP 16 P 1:38

DEPUTY CLERK

JUDGMENT OF FORECLOSURE AND  
SALE

RE:

19 Smithfield Drive f/k/a 9 Pleasant  
Boulevard, Machias, ME 04654

Mortgage:

September 17, 2007  
Book 3336, Page 44

This matter came before the Court for a Damages Hearing on Plaintiff's Motion for Default Judgment on September 16, 2021. Plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust, was present and represented by Reneau J. Longoria, Esq. Defendants, Elson C. Guerra and Penny J. Guerra, did not appear.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is GRANTED. Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff.

**JUDGMENT** on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust (“Wilmington Savings”) the amount adjudged due and owing (\$121,221.06) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, Wilmington Savings shall forthwith discharge the Mortgage and file

a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

Description	Amount
Principal Balance	\$87,478.71
Interest	\$18,449.35
Late Fees	\$70.00
Escrow Advance	\$11,553.18
Corporate Advance Balance	\$3,669.82
Grand Total	\$121,221.06

2. If the Defendants or their heirs or assigns do not pay Wilmington Savings the amount adjudged due and owing (\$121,221.06) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Machias Property shall terminate, and Wilmington Savings shall conduct a public sale of the Machias Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$121,221.06 after deducting the expenses of the sale, with any surplus to the Defendants or the heirs or assigns, in accordance with 14 M.R.S.A. § 6324. Wilmington Savings may not seek a deficiency judgment against the Defendants pursuant to Plaintiff's waiver of deficiency at trial.
3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
4. The amount due and owing is \$121,221.06.
5. Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust has first priority, in the amount of \$121,221.06, pursuant to the subject Note and Mortgage and there are no parties in interest other than the Defendants who have second priority.
6. The prejudgment interest rate is 5.000000%, *see* 14 M.R.S.A. § 1602-B, and the post-

judgment interest rate is 6.09%, *see* 14 M.R.S.A. §1602-C.

7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust c/o Pretium Mortgage Credit Management, 120 South Sixth Street, #2100 Minneapolis, MN 55402	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANT	Elson C. Guerra 20 Hudson Blvd Machias, ME 04654	Pro Se
	Penny J. Guerra 20 Hudson Blvd Machias, ME 04654	Pro Se
PARTIES-IN-INTEREST		


- a) The docket number of this case is No. 1:21-cv-00109-JAW.
- b) The Defendants, the only parties to these proceedings besides Wilmington Savings, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 19 Smithfield Drive f/k/a 9 Pleasant Boulevard, Machias, ME 04654, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 19 Smithfield Drive f/k/a 9 Pleasant Boulevard, Machias, ME 04654. The Mortgage was executed by the Defendants,

Penny J. Guerra and Elson C. Guerra on September 17, 2007. The book and page number of the Mortgage in the Washington County Registry of Deeds is Book 3336, Page 44.

- e) This judgment shall not create any personal liability on the part of the Defendants but shall act solely as an *in rem* judgment against the property, 19 Smithfield Drive f/k/a 9 Pleasant Boulevard, Machias, ME 04654.

SO ORDERED

DATED THIS 16<sup>th</sup> DAY OF September, 2021

  
\_\_\_\_\_  
JOHN A. WOODCOCK, JR.  
U.S. DISTRICT JUDGE